

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT KIERNAN,

X
10 CV 06068 (VLB)

Plaintiff,

-against-

THE VILLAGE OF MONTGOMERY, STEVEN BRESCIA,
MAYOR OF THE VILLAGE OF MONTGOMERY,
JOHN J. BYRNES, JR., individually and in his capacity as
officer in charge of the POLICE DEPARTMENT OF THE
VILLAGE OF MONTGOMERY, JOHN LUFGMAN,
individually and in his capacity as A POLICE OFFICER,
JO ANN SHEELS, AS A MEMBER OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF MONTGOMERY,
DARLENE ADOLSEK, AS A MEMBER OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF MONTGOMERY,
BRANDON JACKOB, AS A POLICE OFFICER OF THE
VILLAGE OF MONTGOMERY, THE BOARD OF
TRUSTEES OF THE VILLAGE OF MONTGOMERY,
JOHN DOES 1-4 and JANE DOES 1-4.

**DEMAND FOR
PRODUCTION OF
DOCUMENTS**

Defendants.

-----X

PLEASE TAKE NOTICE that the undersigned hereby demands pursuant to Rule 34 of the Federal Rules of Civil Procedure that plaintiff produce and permit the attorneys for the defendants to inspect, copy or otherwise review the following materials. Accurate copies of the materials requested will be accepted in lieu of production of same.

1. Copies of all documents, photographs, discovery demands and responses, transcripts of Court proceedings, and any other materials arising out of all arrests of, or criminal citations issued to, plaintiff regardless of the charges asserted therein. Said demand includes all non-privileged portions of the file of

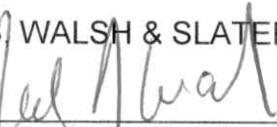
the attorneys for the plaintiff concerning the aforesaid together with all transcripts of pleas entered by the plaintiff and/or Court decisions rendered therein.

2. Copies of the transcripts of all hearings and allocutions conducted during prosecutorial proceedings against the plaintiff.
3. Copies of all bills for legal services rendered to the plaintiff as a result of all criminal proceedings brought against plaintiff at issue.
4. Color duplicates of all photos depicting the location of the incidents described in plaintiff's complaint; plaintiff's alleged injuries; locations of incarceration; and/or defendants or their agents and/or employees.
5. Copies of all arrest reports, incident reports, depositions, citations and/or any other documents generated by defendants herein as a result of the incidents at issue.
6. Fair and accurate copies of all photographs, recordings, video recordings, digital recordings or any other depictions of the incidents described in plaintiff's Complaint.
7. Copies of all transcripts taken of testimony of any party to this action in any prior legal proceeding, either criminal or civil in the possession of plaintiffs or their attorneys.

DATED: White Plains, New York
June 27, 2011

Yours, etc.,

HODGES WALSH & SLATER LLP

By: 

JOHN J. WALSH (4092)

Attorneys for Defendants THE
VILLAGE OF MONTGOMERY,
STEVEN BRESCIA,
JO ANN SHEELS, and DARLENE
ADOLSEK
55 Church Street – Suite 211
White Plains, N.Y. 10601
(914) 385-6000

TO: The Rubino Law Firm
Attorneys for Plaintiff
240 Madison Avenue
7th Floor
New York, NY 10016
(212) 682-2375

Gambeski & Frum
Attorneys for John Luffman
565 Taxter Road, Suite 150
Elmsford, New York 10523
(914) 347-5522

Boeggeman, George & Corde
Attorneys for Co-Defendant John J. Byrnes, Jr.
1 Water Street - Suite 425
White Plains, New York 10601
(914) 761-2252